

DEC 07 2006

Application Number 09/761,795

Amendment dated 7 December 2006

Reply to Office Action of 20 October 2006

Remarks

Applicants have neither cancelled nor added any claims in this paper. Therefore, Claims 37–58 remain pending in the application. Claims 37, 45 and 52 are independent.

Interview Summary.

Applicants thank the Examiner for conducting a telephone interview in this application on 8 November 2006. The following summarizes the substance of the interview, in accordance with the guidelines provided by MPEP 713.04.

- (A) No exhibits were shown, and no demonstration was conducted.
- (B) Claim 37 was discussed.
- (C) The teachings of U.S. Patent 6,241,668 ("Herzog"), U.S. Patent 5,909,551 ("Tahara"), U.S. Patent 5,272,625 ("Nishihara") and U.S. Patent 6,260,021 ("Wong") were discussed.
- (D) The principal proposed amendments of a substantive nature are presented herein in amended Claim 37.
- (E) Applicants explained why the combination of features recited in Applicants' proposed new claim, presented herein as amended Claim 37, are novel and nonobvious in view of the cited references.
- (F) No other pertinent matters were discussed.
- (G) Pursuant to a follow-up telephone call on 5 December 2006, the Examiner agreed that Applicants' proposed new claim, presented herein as amended Claim 37, would be allowable over the art currently of record in this application.

Rejection of Claims 37–44 based on Herzog, Tahara, Nishihara and Wong.

Claims 37–44 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Herzog in view of Tahara, Nishihara and Wong. Claim 37 is independent and Claims 38–44 depend therefrom.

Application Number 09/761,795

Amendment dated 7 December 2006

Reply to Office Action of 20 October 2006

As proposed during the telephone interview conducted on 8 November 2006, Applicants have amended Claim 37 to specifically recite that

the application server is configured to receive medical image data from the medical image server, the medical images received being formatted in a standard medical imaging format used by specialized computers configured for viewing medical images *[emphasis added]*

Applicants have also amended Claim 37 to further define that "the selected medical image data [is] recorded on the data storage medium in the standard medical imaging format" (emphasis added). Furthermore, the viewing program has been further defined as a viewing program "that is configured to allow viewing of medical image data stored on the data storage medium, on widely accessible computers not specifically configured for viewing of medical images" (emphasis added).

As discussed during the telephone interview conducted on 8 November 2006, these amendments are fully supported by the originally-filed application disclosure. Specifically, Applicants draw the Examiner's attention to Paragraph [0010] of the published application. Additionally, Paragraph [0008] of the published application provides further description of the Digital Imaging and Communications in Medicine ("DICOM") format, and Paragraph [0034] of the published application provides further description of the viewing program.

Applicants respectfully submit that amended Claim 37 recites a combination of features that is distinguishable over the art currently of record in this application. Specifically, the cited references describe systems that do not include all of the features of the invention recited in amended Claim 37. For example, none of the cited references disclose an application server that "is configured to receive medical image data from the medical image server, the medical images received being formatted in a standard medical imaging format used by specialized computers configured for viewing medical images". Additionally, none of the cited references disclose that "the selected medical image data [is] recorded on the data storage medium in the standard medical imaging format". Likewise, none of the cited references disclose a viewing program "that is configured to allow viewing of medical image data stored on the data storage

Application Number **09/761,795**
Amendment dated **7 December 2006**
Reply to Office Action of **20 October 2006**

medium, on widely accessible computers not specifically configured for viewing of medical images".

Based on the foregoing, Applicants respectfully submit that amended Claim 37 is allowable over the cited references, and respectfully request that this rejection be withdrawn. Furthermore, because dependent Claims 38–44 depend from independent Claim 37, and further recite additional novel and nonobvious features, Applicants submit that dependent Claims 38–44 are allowable for at least the same reasons that independent Claim 37 is allowable. Thus, Applicants respectfully request that these dependent claim rejections be withdrawn as well.

Rejection of Claims 45, 46 and 51 based on Herzog and Tahara.

Claims 45, 46 and 51 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Herzog in view of Tahara. Claim 45 is independent and Claims 46 and 51 depend therefrom.

Applicants have amended Claim 45 to specifically recite

a medical image server configured to receive medical image data that is generated by a plurality of imaging modalities, **the medical image data being formatted in a standard medical imaging format used by specialized computers configured for viewing medical images** *[emphasis added]*

Applicants have also amended Claim 45 to further define that the selected medical image data and the related medical image data are "recorded in the **standard medical imaging format**" (emphasis added). Furthermore, the viewing program has been further defined as a viewing program "that is configured to allow viewing of the selected and the related medical image data ... **on widely accessible computers not specifically configured for viewing of medical images**" (emphasis added).

As discussed above with respect to Claim 37, these amendments are fully supported by the originally-filed application disclosure. Furthermore, as a result of these amendments, independent Claim 45 recites a combination of features that is not taught by any of the cited references, including Herzog and Tahara.

Based on the foregoing, Applicants respectfully submit that amended Claim 45 is allowable over the cited references, and respectfully request that this rejection be

Application Number 09/761,795
Amendment dated 7 December 2006
Reply to Office Action of 20 October 2006

withdrawn. Furthermore, because dependent Claims 46 and 51 depend from independent Claim 45, and further recite additional novel and nonobvious features, Applicants submit that dependent Claims 46 and 51 are allowable for at least the same reasons that independent Claim 45 is allowable. Thus, Applicants respectfully request that these dependent claim rejections be withdrawn as well.

Rejection of Claim 47 based on Herzog, Tahara and Nishihara.

Claim 47 stands rejected as being unpatentable over Herzog in view of Tahara and Nishihara. Claim 47 depends from independent Claim 45. Nishihara does not provide the deficiencies of Herzog and Tahara, as set forth above with respect to independent Claims 37 and 45. Therefore, Applicants respectfully submit that Claim 47 is allowable for at least the same reasons explained above with respect to Claim 45, in addition to reciting further distinguishing features of particular utility.

Rejection of Claims 48-50 based on Herzog, Tahara and Wong.

Claims 48-50 stand rejected as being unpatentable over Herzog in view of Tahara and Wong. Claims 48-50 depend from independent Claim 45. Wong does not provide the deficiencies of Herzog and Tahara, as set forth above with respect to independent Claims 37 and 45. Therefore, Applicants respectfully submit that Claims 48-50 are allowable for at least the same reasons explained above with respect to Claim 45, in addition to reciting further distinguishing features of particular utility.

Rejection of Claims 52 and 54-58 based on Herzog, Tahara and Nishihara.

Claims 52 and 54-58 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Herzog in view of Tahara and Nishihara. Claim 52 is independent and Claims 54-58 depend therefrom.

Applicants have amended Claim 52 to specifically recite

receiving medical image data from a plurality of imaging modalities, the received medical image data being formatted in a standard medical imaging format used by specialized computers configured for viewing medical images [emphasis added]

Application Number **09/761,795**
Amendment dated **7 December 2006**
Reply to Office Action of **20 October 2006**

Applicants have also amended Claim 52 to further define that the selected medical image data is "recorded on the data storage medium in the standard medical imaging format" (emphasis added). Furthermore, the viewing program has been further defined as a viewing program that is "configured to allow viewing of medical image data ... on widely accessible computers not specifically configured for viewing of medical images" (emphasis added).

As discussed above with respect to Claim 37, these amendments are fully supported by the originally-filed application disclosure. Furthermore, as a result of these amendments, independent Claim 52 recites a combination of features that is not taught by any of the cited references, including Herzog, Tahara and Nishihara.

Based on the foregoing, Applicants respectfully submit that amended Claim 52 is allowable over the cited references, and respectfully request that this rejection be withdrawn. Furthermore, because dependent Claims 54-58 depend from independent Claim 52, and further recite additional novel and nonobvious features, Applicants submit that dependent Claims 54-58 are allowable for at least the same reasons that independent Claim 52 is allowable. Thus, Applicants respectfully request that these dependent claim rejections be withdrawn as well.

Rejection of Claim 53 based on Herzog, Tahara, Nishihara and Wong.

Claim 53 stands rejected as being unpatentable over Herzog in view of Tahara, Nishihara and Wong. Claim 53 depends from independent Claim 52. Wong does not provide the deficiencies of Herzog, Tahara and Nishihara, as set forth above with respect to independent Claims 37 and 52. Therefore, Applicants respectfully submit that Claim 53 is allowable for at least the same reasons explained above with respect to Claim 52, in addition to reciting further distinguishing features of particular utility.

Conclusion.

Applicants respectfully submit that the claims are in condition for allowance. Furthermore, any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Any remarks referring to only a

DEC 07 2006

Application Number **09/761,795**
Amendment dated **7 December 2006**
Reply to Office Action of **20 October 2006**

portion of a claim should not be understood to base patentability on that portion; rather, patentability must rest on each claim taken as a whole. Applicants respectfully traverse each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches, even if not expressly discussed herein. If some issue remains that the Examiner feels can be addressed by an Examiner's Amendment, the Examiner is cordially invited to call the undersigned for authorization.

Respectfully submitted,

KNOBBE MARTENS OLSON & BEAR LLP

Dated: 7 dec 06

By: 

Kyle F. Schlueter
Registration No. 54,912
Attorney of Record
Customer No. 20,995
(310) 551-3450

3183341
120606